



Advocating for
disability civil rights
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On June 8, 2010 the Third Appellate District of the California Court of Appeals issued a decision affirming the Sacramento Superior Court judgment California Law does not permit unlicensed school personnel to administer insulin to students with diabetes. The court did not rule on whether insulin can be safely administered by unlicensed personnel, and did not question the rights of students to receive insulin administration at school.

This means that the following portion of the Legal Advisory authorizing trained unlicensed administration of insulin has been deemed invalid:

“8. voluntary school employee who is unlicensed but who has been adequately trained to administer insulin pursuant to the student’s treating physician’s orders as required by the Section 504 Plan or the IEP.”

Our client, the American Diabetes Association, will file a petition for review to the Supreme Court of California. We hope that the decision will be overturned, but the California Supreme Court chooses which cases it will hear and does not accept most of the requests for review.

In the meantime the remaining provisions of the Legal Advisory detailing your child’s right to receive services at school are undiminished. Schools must provide these services. Moreover, the Legal Advisory’s many provisions aimed at achieving this goal remain in effect. Some of these provisions include:

1. Schools must provide individualized assessments instead of having blanket policies.
2. Students are entitled to receive services at all school sponsored activities including field trips and extracurricular programs.
3. Students can test their blood glucose levels in the classroom to avoid missing important class time.
4. Students cannot be sent to “diabetes schools.”

If you would like technical assistance or information about how to advocate for your child in school, please call DREDF at 510-644-2555 and ask to speak to Charlotte Lanvers or Larisa Cummings. We would also like to hear from you if your child attends a school that is not providing services on grounds that no nurse is available to provide services.

The American Diabetes Association, Reed Smith, and DREDF remain committed to working towards a solution that ensures that children with diabetes receive the services they require in schools. Please let us know if you would like to work with us on legislative efforts to resolve this problem.

Please see the American Diabetes Association’s message regarding the Court of Appeals decision here: <http://www.diabetes.org/living-with-diabetes/know-your-rights/for-lawyers/education-materials-for-lawyers/information-on-ada-california-lawsuit.html>

**DISABILITY RIGHTS EDUCATION AND DEFENSE
FUND**

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